

REMARKS

Applicant is in receipt of the Office Action mailed June 16, 2005. Claims 1, 11, 32, 40, 49, 52, and 55 have been amended. Claims 1-61 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Section 102 Rejections

Claims 1-7, 10, 32-37, 49-50, and 55-61 were rejected under 35 U.S.C. 102(e) as being anticipated by Fowlow et al. (U.S. 6,189,138, "Fowlow"). Applicant respectfully traverses the rejection.

Amended claim 1 recites:

1. A computer-implemented method for adding program elements to programs, the method comprising:
 - displaying a program currently being edited in a first graphical user interface displayed on a computer system, wherein the computer system comprises a display;
 - displaying a search window on the display;
 - receiving user input to the search window specifying one or more search criteria;
 - identifying and displaying information indicating a plurality of possible program elements in the search window in accordance with the one or more search criteria;
 - receiving user input to the search window selecting a program element from the plurality of possible program elements indicated in the search window; and
 - including the selected program element in the program in response to said receiving user input to the search window selecting the program element.

The Examiner asserts that Fowlow teaches all the limitations of claim 1. Applicant respectfully submits that there are numerous limitations of amended claim 1 not taught or suggested by Fowlow. For example, nowhere does Fowlow teach or suggest *receiving user input to the search window selecting a program element from the plurality of possible program elements indicated in the search window*. Nor does

Fowlow disclose *including the selected program element in the program in response to said receiving user input to the search window selecting the program element.*

The Examiner asserts that Fowlow teaches “the plurality of possible program elements being selectable by the user from the search window to add functionality to the one or more windows of the program”, citing col. 11, lines 28-42 and col. 12, lines 12-35. However, applicant notes that the cited passages actually read:

According to one embodiment of the present invention, upon selecting a component, such as component 552 of component catalog 550, and dragging the component from the component catalog into the worksheet, the component is transformed into a corresponding part 552'. As described above, a part is a "placeholder" for an instance of the object type which the part and component both reference. The part indicates the plugs and sockets available from the corresponding object. By connecting the plugs and sockets between the parts located in the worksheet, such as part 552', the composition builder of the present invention is able to generate corresponding code for establishing the necessary connections among the parts thus relieving the programmer of the laborious task of locating the appropriate objects across the distributed object system...(col. 11, lines 28-42)

As shown at 600, in one embodiment the browser comprises a window 601 which window, in one embodiment, includes a title bar 602, a control region 603, which is substantially identical to control region 503 of worksheet 500, and a file search/navigation region 608. The search and navigation region comprises, in one embodiment, a find button 610 which, when depressed, provides the user with a means of identifying file and object characteristics that can be searched using search engines such as those well known in the computer science arts for searching objects and files based on a variety of characteristics (e.g. text strings). Next to Find 610 is a window 612 for entering information for imputing into the file search engine. Pattern window file 614 and contains window 616 both allow these to enter additional attributes to perform the searching function that is initiated upon activating find button 610. Region 618 of window 600 includes in the illustrative embodiment three columns 620, 622, and 624 for displaying various files in a hierarchical display. In one embodiment, files that are at a more general

end of a file tree structure are displayed on the left hand side in column 620. Such files may include other, shown at 626, or source, shown at 628 which is illustrated as having been selected by the parallel lines arranged above and below the label, shown at 628. (col. 12, lines 12-35)

As clearly described in the first cited passage, in Fowlow's system, components to be included in the application are selected by the user from a component catalog (*see, e.g.,* component 552, selected from component catalog 550, in Figure 5). Applicant notes that the search functionality described with respect to Figure 6 of Fowlow in no way includes user selectability of items returned by the search, i.e., from the search window.

Regarding the second cited passage, quoted above, Applicant respectfully submits that the selected item shown in Figure 6 and described above is not a selectable component for inclusion in the application, but rather, is a selectable option specifying display of files (e.g., in the selected directory) and subdirectories in the hierarchical display. More specifically, the selected item, "Source", refers to a source directory, the selection of which specifies that source files from the source directory, e.g., "main.cc" and "sample.cc" (630), are to be displayed in column 622. Applicant notes that the quoted passage is followed by the following:

If files are contained within the source directory, these files are listed in column 622 as shown, for example, by the file "sample.cc" 630. Where a subdirectory available within the higher level directory the subdirectory would appear in column 622 in a format substantially identical to those shown in 620. ***Selecting the subdirectory, (not shown) would cause a display of files and subdirectories located in the selected subdirectory to appear in column 624.*** As will be familiar to those of skill in the art, were additional subdirectories displayed in column 624 selection of one of those additional directories would cause a redistribution of the columns so that entries in column 620 would be replaced by those in column 622, the entries in 623 would be displayed in column 622, and the entries in the subdirectory originally provided in 624 would be displayed in column 624. (col. 12, lines 12-35) (*emphasis added*)

As this passage makes clear, selecting a subdirectory results in display of files and any subdirectories located in the selected subdirectory. Nowhere does Fowlow indicate that the items, e.g., files and directories, displayed in the hierarchical display are user selectable for inclusion in the application.

Thus, for at least the reasons provided above, Applicant respectfully submits that amended claim 1 and those claims dependent therefrom are patentably distinct and nonobvious over Fowlow, and are thus allowable.

Claims 11, 32, 40, 49, 52, and 55 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, claims 11, 32, 40, 49, 52, and 55, and those claims respectively dependent therefrom, are patentably distinct and nonobvious over Fowlow, and are thus allowable.

Removal of the 102 rejection of claims 1-7, 10, 32-37, 49-50, and 55-61 is respectfully requested.

Section 103 Rejections

Claims 8-9, 11-31, 38-48, and 51-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (in view of Official Notice). Applicant respectfully traverses the rejections.

Regarding claims 8-9, 11-19, 38-43, and 51-53, Applicant respectfully submits that if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Since independent claims 1, 11, 32, 40, 49, 52, and 55 have been shown above to be allowable, Applicant respectfully submits that dependent claims 8-9, 11-19, 38-43, and 51-53 are similarly allowable.

Regarding claims 20-31, 44-50, and 54, Applicant submits that there are numerous features and limitations included in these claims that are neither taught nor suggested by Fowlow.

For example, claim 20 recites:

20. A computer-implemented method for searching a hierarchy of palette windows, the method comprising:

displaying a graphical user interface on a display of a computer system;

displaying in the graphical user interface a first palette window from a hierarchy of palette windows, wherein one or more of the palette windows in the hierarchy comprise palette items that are selectable by a user to include functionality in a program currently being edited in the graphical user interface;

receiving user input selecting a search item of the first palette window;

displaying in the graphical user interface a search window in response to said user input selecting the search item;

receiving user input in the search window specifying one or more search criteria;

identifying and displaying information indicating a plurality of possible palette windows in the search window in accordance with the one or more search criteria;

receiving user input selecting a second palette window from the plurality of possible palette windows; and

displaying in the graphical user interface the second palette window in response to said user input selecting the second palette window.

Applicant respectfully submits that Fowlow fails to teach or suggest *receiving user input selecting a search item of the first palette window*. Per Figure 5, the only items displayed in Fowlow's palettes (catalog palette 550) are application components. Nor does Fowlow disclose *displaying in the graphical user interface a search window in response to said user input selecting the search item*. Nowhere does Fowlow describe invoking a search window in this manner.

Fowlow also fails to disclose *identifying and displaying information indicating a plurality of possible palette windows in the search window in accordance with the one or more search criteria*, as well as *receiving user input selecting a second palette window from the plurality of possible palette windows*. Neither does Fowlow teach or suggest *displaying in the graphical user interface the second palette window in response to said user input selecting the second palette window*. As described above in the cited passages, Fowlow's search results consist of files and directories. No mention is made of returning palette windows as a result of the search. More specifically, Fowlow nowhere describes

the search results including use-selectable palette windows, and display of such in response to their selection by a user.

Thus, Applicant respectfully submits that Fowlow (in view of Official Notice) fails to teach or suggest all the features and limitations of claim 20.

Applicant further submits that the Examiner has not provided a proper motivation to modify Fowlow to include these novel features and limitations. The only motivation to modify Fowlow to include hierarchical palette windows (as claimed) suggested by the Examiner is “to present a large number of palette items”.

As stated in the MPEP §2143.01, “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). . . Applicant submits that Fowlow nowhere suggests the desirability of the combination. In fact, since Fowlow’s displayed search results consist solely of a hierarchy of files and directories that are *not* user-selectable, Applicant respectfully submits that Fowlow does not suggest or even hint at the desirability of displaying hierarchical user-selectable palette windows as the result of a search, and so the combination/modification is improper. Moreover, per *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999), the art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination. Applicant submits that the Examiner’s suggested motivation is simply a citation of an improved result from the alleged combination without any initial suggestion to make the combination, which is improper.

Thus, for at least the reasons provided above, Applicant submits that claim 20 and those claims dependent therefrom are patentably distinct and non-obvious over Fowlow (in view of Official Notice), and are thus allowable.

Independent claims 44 and 54 include similar limitations as claim 20, and so the above arguments apply with equal force to these claims. Thus, Applicant respectfully submits that claims 44 and 54, and those claims respectively dependent therefrom, are

patentably distinct and non-obvious over Fowlow (in view of Official Notice), and are thus allowable.

Removal of the 103 rejection of claims 20-31, 44-50, and 54 is respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-43101/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Request for Continued Examination
- ☐ Check in the amount of \$ for fees ().
- ☐ Other:

Respectfully submitted,



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